

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: LEGISLATIVE & RULES

DATE: SEPTEMBER 24, 2009

COMMITTEE MEMBERS PRESENT:

SUPERVISORS BENTLEY
THOMAS
STEC
GIRARD
SOKOL
PITKIN

OTHERS PRESENT:

JOANN MCKINSTRY, DEPUTY COMMISSIONER OF ADMINISTRATIVE &
FISCAL SERVICES
JOAN SADY, CLERK OF THE BOARD
KEVIN GERAGHTY, BUDGET OFFICER
SUPERVISORS BELDEN
KENNY
STRAINER
TAYLOR
THOM RANDALL, *THE ADIRONDACK JOURNAL*
CHARLENE DiRESTA, SR. LEGISLATIVE OFFICE SPECIALIST

COMMITTEE MEMBER ABSENT:

SUPERVISOR SIMMES

Mr. Bentley called the meeting of the Legislative & Rules Committee to order at 10:00 a.m.

Motion was made by Mr. Girard, seconded by Mr. Thomas and carried unanimously to approve the minutes of the previous Committee meeting; subject to correction by the Clerk of the Board.

Copies of the Agenda were distributed to the Committee members; a copy of same is on file with the minutes.

Mr. Bentley said that Item No. 1 on the Agenda was a request from NYSAC (New York State Association of Counties) for support of proposed legislation urging the State and Federal governments to implement immediate actions to help relieve the current dairy fiscal crisis. He noted that copies of draft resolutions from NYSAC and Wyoming County were included in the Agenda packet.

Motion was made by Mr. Pitkin, seconded by Mr. Thomas and carried unanimously to support proposed legislation urging the State and Federal governments to implement immediate actions to help relieve the current dairy fiscal crisis. *The necessary resolution was authorized for the October 16, 2009 Board meeting.*

Pertaining to Item No. 2 on the Agenda, Mr. Bentley stated there was request from Schoharie County for support of proposed legislation which was entitled "Requesting New York State to Take Back Local Share of Medicaid as a Component of True Medicaid Reform". He noted that a copy of the resolution which had been adopted by Schoharie County was included in the Agenda packet.

Motion was made by Mr. Thomas, seconded by Mr. Sokol and carried unanimously to support proposed legislation to request New York State to take back the local share of Medicaid as a component of true Medicaid reform. *The necessary resolution was authorized for the October 16, 2009 Board meeting.*

Mr. Bentley advised that Item No. 3 on the Agenda was a request from the Town of Cheektowaga for support of proposed legislation entitled "Request New York State to Eliminate Asbestos Fee for Demolitions Performed Though the Town". He noted that a copy of the resolution that was adopted by the Town of Cheektowaga was included in the Agenda packet.

Motion was made by Mr. Girard, seconded by Mr. Thomas and carried unanimously to support proposed legislation to request New York State to eliminate the asbestos fee that was charged for demolitions that were performed by

individual towns. *The necessary resolution was authorized for the October 16, 2009 Board meeting.*

Mr. Bentley apprised that Item No. 4 on the Agenda was a request from the Town of Cheektowaga to support proposed legislation entitled "Opposition to Increases in Credit Card Rates". He noted that a copy of the resolution that was adopted by the Town of Cheektowaga was included in the Agenda packet.

Motion was made by Mr. Sokol, seconded by Mr. Girard and carried unanimously to support proposed legislation opposing the increase in credit card rates. *The necessary resolution was authorized for the October 16, 2009 Board meeting.*

Mr. Stec entered the meeting at 10:04 a.m.

Mr. Bentley expounded that he had witnessed some recipients of Warren County benefits using their benefit cards to purchase cigarettes and beer in local stores. He said that he felt that it was inappropriate for tax dollars to be spent on cigarettes and alcohol when the funds were intended to help families in need. Mr. Sokol stated that he had been troubled by the fact that there were no restrictions on what could be purchased using the cash benefit cards. He explained that there were two types of benefit cards, one which was intended for the purchase of food and a second that was a cash card which was intended for the purchase of clothing or other necessary non-food items. Mr. Bentley said that he was in favor of allowing the purchase of stop-smoking aids using the benefit cards; however, he added, Warren County should not be required to fund the tobacco and alcohol use of benefit recipients. He suggested that Warren County pass a resolution restricting the items which could be purchased by the benefit cards. Mr. Sokol advised that benefit recipients were allowed to receive cash back from purchases made using the cash benefit card. Mr. Pitkin asked if the recipients were required to show identification when they used the benefit cards and Mr. Sokol responded affirmatively.

Following a brief discussion, motion was made by Mr. Girard, seconded by Mr. Sokol and carried unanimously to approve a resolution opposing the purchase of tobacco and alcohol products using the cash benefit cards provided by the Department of Social Services and to forward the resolution to our State and Federal Legislators. *The necessary resolution was authorized for the October 16, 2009 Board meeting.*

After consulting with Joan Sady, Clerk of the Board, Mr. Bentley stated that Pending Items Nos. 5 and 6 should be deleted and Pending Item Nos. 7 and 8 should be carried forward. In reference to Pending Item No. 9, Mr. Stec said that it pertained to the Word of Life property and noted that they were awaiting additional information from Amy Bartlett, First Assistant County Attorney.

Mr. Strainer entered the meeting at 10:10 a.m.

Mr. Bentley apprised that Pending Item No. 10 pertained to the fact the New York State was not paying the correct amount for their share of funding for community colleges. Mrs. Sady noted that the last page of the Agenda packet was an email from the County Attorney advising of the steps necessary to seek a change in the Education Law. Mr. Pitkin asked if the request was for the State to commit to a determined percentage and Mr. Bentley replied affirmatively. Mr. Bentley stated that the way the State Education Law was written the State could provide up to 1/3 of the operating costs; 2/5 if the college implemented a full opportunity program. However, he added, the University Trustees had adopted a formula that resulted in less than that amount being received. He noted that the County Attorney had advised that the only way to require the State to pay 1/3 or 2/5 was to request the State Legislature to direct the University Trustees to revise the formula. Mr. Thomas asked if the State currently paid on a per student basis and Mr. Bentley replied that he was unsure.

Mr. Stec explained that the community college portion of the Education Law stated that the State share was 40%; however, he added, historically over the last ten years the State had paid a percentage ranging in the low 30's. Mr. Pitkin said that the problem was in the verbiage which stated up to 1/3 and allowed the State the ability to pay less. Mr. Bentley noted that the 40% share was for colleges that implemented a full opportunity program and he questioned what that meant.

Following a brief discussion, it was the consensus of the Committee to refer the issue to the County Attorney, to determine the necessary qualifications for a full opportunity program and to determine what the State was obligated to pay for State Aid to community colleges.

Referring to Pending Item No. 7, Mr. Thomas advised that as a member of the Community Action Board he had learned that approximately \$750,000 in Economic Stimulus Funding had been earmarked for weatherization projects and another \$500,000 for the Community Block Grant. He noted that it appeared the Federal Government was able to manipulate the Davis Bacon Law to suit their needs and had established a special category for weatherization work which did not require prevailing wage rates to be incorporated; however, he said, for projects at the County level, they were absolutely required to follow the Law which required prevailing wages to be paid, which was unfair. Mr. Belden stated that although the Economic Stimulus Funding was intended to rectify the failing economy, it seemed that about half of the monies pledged were being expended to complete the superfluous paperwork required in association with the Stimulus funding.

Discussion ensued.

As there was no further business to come before the Legislative & Rules Committee, on motion made by Mr. Stec and seconded by Mr. Girard, Mr. Bentley adjourned the meeting at 10:21 a.m.

Respectfully submitted,
Charlene DiResta, Sr. Legislative Office Specialist